

1 **GABUTIN_R.pet**

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8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN MARIANA ISLANDS

11 UNITED STATES OF AMERICA,) CRIMINAL CASE NO. 04-00006
12)
Plaintiff,)
13)
v.) PETITION FOR CREDIT
14) OF PAYMENTS
ROSALINA MARIE TUDELA GABUTIN,)
15)
Defendant.)
16 _____)

17 PETITION

18
19 COMES NOW the United States of America, by and through its undersigned
20 counsel, and respectfully petitions this Court for the entry of an order for the Clerk's Office to
21 credit payments received in Michael W. Kennedy dba MKI Airconditioning & Refrigeration vs.
22 Rosalina T. Gabutin, CV 03-0016 (hereinafter referred to as Kennedy vs. Gabutin) and in
23 support hereof, states as follows:

24 1. On June 22, 2004, sentence was imposed by this Court against Defendant
25 ROSALINA MARIE TUDELA GABUTIN (hereinafter referred to as "Defendant GABUTIN")
26 and among other things, restitution in the amount of \$55,482.94 was ordered, all of which is
27 owed to Michael W. Kennedy. See Attachment "A."

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2. On November 26, 2003, a Settlement Agreement and Consent Judgment Thereon was filed in Kennedy vs. Gabutin, civil case no. 03-0016. Defendant Rosalina T. Gabutin agreed to pay Michael Kennedy dba MKI Airconditioning & Refrigeration the principal sum of \$68,521.14. This civil case encompasses the restitution for the offense in criminal case no. 04- 00006. See Attachment “B.”

3. On August 3, 2005, our United States Attorney's Office received information from Attorney Mark K. Williams that a total of \$9,210.00 was received in Kennedy vs. Gabutin, civil case no. 03-0016. See Attachment "C."

4. Plaintiff respectfully requests that the Clerk's Office of the U.S. District Court for the Northern Mariana Islands credit the amount of \$9,210.00 paid in Kennedy vs. Gabutin, CV 03-0016, towards the restitution obligation of defendant and the amount owed to Michael W. Kennedy.

5. Plaintiff further requests that any future payments in Kennedy vs. Gabutin, CV 03-0016 be also credited.

RESPECTFULLY SUBMITTED this 2nd day of May, 2007.

LEONARDO M. RAPADAS
United States Attorney
Districts of Guam and the NMI

By: /s/ Marivic P. David
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